

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY EUGENE LEWIS,)
Plaintiff,) Case No. C07-1517-MJP-BAT
v.) CLARIFICATION OF REPORT
CITY OF SEATTLE, et al.,) AND RECOMMENDATION
Defendants.) REGARDING DEFENDANTS
) LEE, TIETJEN, ZIEGER, AND
) HAZARD
)

On February 13, 2009, the Court filed Reports and Recommendations in this case. Dkt. 78, 79. The parties request the Court to clarify whether it recommends dismissal of the claim that defendants Lee, Tietjen and Zieger unlawfully arrested and placed plaintiff into custody. Dkt. 86, 89. This request is based on the discrepancy between the Report and Recommendation and the Proposed Order and Judgment. *See* Dkt. 79.

To clarify, the Court recommends dismissal of this claim. In its Report and Recommendation, the Court concluded there were no genuine issues of material fact that defendants found plaintiff in possession of cocaine and that defendants therefore had probable cause to arrest and take plaintiff into custody. Dkt. 79 at 9. The Court concluded that it was thus appropriate to grant summary judgment in favor of defendants on this claim. *Id.* However, the Proposed Order and Proposed Judgment previously submitted incorrectly stated defendant's motion for summary judgment is denied as to this claim. *See* Dkt. 79.

1 Consistent with this clarification that the claim be dismissed, the Court attaches a new
2 Proposed Order and Proposed Judgment reflecting the Court's recommendation.

3 DATED this 24th day of March, 2009.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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